

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 25, 2002  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Tyrone Gordon gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of June 18, 2002, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

RECOGNITIONS

All America City participants were recognized.

Pastor Tyrone Gordon was recognized.

## NEW BUSINESS

EVALUATIONS

### EVALUATION OF BOARDS AND COMMISSIONS.

Matt Jordan

City Manager's Office reviewed the Item.

Agenda Report No. 02-1525

The City of Wichita has for over thirty years encouraged active citizen participation through service on the many advisory boards and commissions. Over time, the governing body has periodically evaluated its board/commission structure (and purpose) as federal and state regulations changed, new and emerging community issues arose, and other organizational changes and challenges were encountered. In December 1999, the City Council adopted Sunset Provisions for selected boards and commissions that required non-statutory boards and commissions to be re-authorized annually by the City Council. Last July, the City Council adopted criteria to serve as the basis for the renewed annual review of Council appointed Boards and Commissions. The annual reports have been submitted by the designated departments and reviewed by staff.

The Council makes appointments to sixteen boards that are subject to annual renewal under the Sunset ordinance. The Sunset Provisions for selected boards and commissions ensures citizen participation occurs in an efficient and responsive manner. It has been found that from time-to-time, missions change, relevant and meaningful board business can decrease, and there can be difficulties in finding appropriate and willing members who are committed to actively work and attend meetings. Periodic evaluation of boards and commissions at times will also reveal duplicative duties. As a result of this

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year's evaluation, staff believes all boards and commissions should be retained, with noted exception below.

Staff believes there are possible efficiencies to be gained from consolidation of the Mechanical and Plumbing Boards due to the following reasons:

- 1) The codes that govern these trades are closely related and intertwined, and many of the Board representatives have been trained in both the mechanical and plumbing field;
- 2) The code review, amendment and updating processes generally involve strong representation from both mechanical and plumbing associations because codes are so closely related;
- 3) There are duplicate background/training requirements for appointment to many Board positions;
- 4) Several of the Board positions are extremely difficult to fill;
- 5) Due to changes in the industry, one or two of the difficult to fill positions could be eliminated without significant effect to the Board's function.

Therefore, it is requested that the City Council direct staff to conduct a review with appropriate officials from affected trade organizations to determine if this consolidation is warranted.

Staff assigned to each board prepared a report based on the following review criteria. These reports have been reviewed by the City Manager's Office. Copies of a particular report are available upon request.

1. Name of Board:
2. Mission and Purpose of Board (basis for existence: Created by State Law, City Ordinance, etc)
3. Stated goals and objectives/functions of the advisory body. Are they still important, is the body still carrying them out? Is there duplication or overlap with another advisory body? Is consolidation possible?
4. Agenda and action items – what is the average number of agenda items and actions taken at each meeting?
5. Types of activities performed – to whom does the advisory body report?
6. How often does the body meet, and what has been the attendance at meetings? What opportunities are there for action by the respective body – are they frequent, infrequent, or nonexistent?
7. Tenure of members – Staff person assigned? Have adequate training as to the role of the advisory body, its functions, its relationship to elected body, and its role in the local government?
8. Board/Committee structure – Do members represent a broad spectrum of the community? Do they represent special interests that might not otherwise have a voice? Do advisory body members see the implications for the community of the policies or programs on which they are working? Do they feel their efforts have resulted in better services? How are the relationships with the community?
9. Are there sunset provisions with respect to member tenure?
10. Demographic profile of membership (Gender and Race Only)
11. List of accomplishments in past 12 months – how often has the body submitted recommendations to Staff or to the City Council (or other official agencies)?
12. Analysis of specific accomplishments
13. Citizen input – does the advisory body provide an opportunity for meaningful citizen input into operations of the local government? Does the advisory body meet at convenient times for public participation? Day or evening meetings, time of day/evening, etc? What is the average number of citizens attending each meeting during the past 12 months?
14. Confirmation that Board/Commission is not duplicative
15. Enforces conflict of interest rules
16. Effectively and efficiently complies with Public Information Act and Open Meetings Acts. Does media attend monthly meetings?
17. Would abolishing the Board/Commission cause federal or state government

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- intervention or loss of funds
18. Identification of federal or state statutes that may govern Board/Commission activities
  19. Does membership include youth representation?
  20. What other existing board/commission's have similar responsibilities, if any?

No additional expenses are anticipated with the established of the criteria.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Lonnie Wright

Plumbing Board member, regarding consolidation of Mechanical and Plumbing Boards, said long meetings are often held on items unrelated to both boards. Consolidation would require much additional time from both Boards members at board meetings. The Boards do not feel it is reasonable to consolidate the Boards.

Motion --

Knight moved that re-authorization of applicable boards and commissions through June 30, 2003, be approved; Staff be directed to review possible consolidation of the boards designated for Mechanical and Plumbing Appeals (to be returned to the City Council for discussion); and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance of the City of Wichita, Kansas pertaining to the continuing of existence and abolition of Boards, Agencies, and Commissions: amending Section 2.12.1200 and 2.12.1201 of the Code of the City of Wichita, and repealing the original of said Sections, introduced and under the rules laid over.

**MUNICIPAL COURT**

### **AMENDMENTS PERTAINING TO COSTS AND WITNESS FEES IN CASES BEFORE THE MUNICIPAL COURT.**

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 02-1526

In the final hours of the legislature, HB 2802 maneuvered through two conference committees and passed another unfunded mandate cost to municipalities and their citizens. This bill was vigorously opposed by the Kansas League of Municipalities because of the inequities among local governments and their municipal court costs.

This legislative act mandated added costs to local governments in the form of forcing cities to increase court costs for support of the Kansas Law Enforcement Training Center. The new law requires cities to increase its cost costs by \$2.00 to support a unilateral increase in training requirements for police officers. Most all larger cities finance their own training facilities and training program from their local budgets. This new mandated cost provides no benefit to these cities (including Wichita) who provide their own training programs. In addition, smaller cities will be hit with a huge unfunded mandate by having to send their officers to four additional weeks of training and likely pay overtime for the remaining officers to cover the vacancy.

In addition, the legislature also increase the fees for costs to be assessed for judicial education training. This increase will amount to an addition fifty (.50 ) cents for a total of \$1.00.

The total amount of this unfunded mandated cost is an added \$3.00 to local municipal court costs.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Declaration of Emergency be approved and the court costs Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

carried

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## ORDINANCE NO. 45-338

An Ordinance amending Section 1.04.070 of the Code of the City of Wichita, Kansas, pertaining to costs and witness fees in cases before the Municipal Court and repeal of the original 1.04.070. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### DUI

#### **AMENDMENT TO SECTION 11.38.150 OF THE CODE OF THE CITY OF WICHITA REGARDING DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 02-1527

The Kansas Legislature amended K.S.A. 8-1567, Driving Under the Influence of Alcohol and/or Drugs to include a definitional section of the term "drug" to include toxic vapors. The Driving Under the Influence State Statute, and similarly the City of Wichita ordinance for Driving under the Influence, did not recognize toxic vapors as a drug. The amendment, under State law, was necessary in order to pursue prosecution of those who inhale toxic vapors, and operate or attempt to operate a vehicle while under the influence of a drug ingested by toxic vapor.

The amendment is necessary to prohibit the conduct of driving or attempting to drive a vehicle while under the influence of a drug contained or derived from a toxic vapor, and to mirror the prohibitions outlined by K.S.A. 8-1567.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 11.38.150 of the Code of the City of Wichita, Kansas, pertaining to driving under the influence of alcohol and/or drugs and repeal of the Original Section 11.38.150, introduced and under the rules laid over.

### CHECKS

#### **AMENDMENT TO SECTION 5.42.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, REGARDING GIVING A WORTHLESS CHECK.**

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 02-1528

The State legislature has amended the state statute to raise the service charge on worthless checks.

It is necessary to amend this city ordinance to conform with K.S.A. 21-3707, relating to worthless checks.

Service charge is payable to the victim of the crime. The City of Wichita does not retain any additional funds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0

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## ORDINANCE

An Ordinance amending Section 5.42.020 of the Code of the City of Wichita, Kansas, pertaining to giving a worthless check and repeal of the original Section 5.42.020, introduced and under the rules laid over.

### **SUBST. INHALATION ORDINANCE AMENDING SECTION 5.28.010 AND REPEALING 5.28.020, 5.28.030, 5.28.040, AND 5.28.050, PERTAINING TO UNLAWFUL ACTS, INHALATION OF CERTAIN ELEMENTS.**

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 02-1529

In the last legislative session, the State enacted a statute creating a new crime of Inhaling Toxic Vapors. The City presently has ordinances prohibiting this type of conduct.

After the State created the crime and established penalty provisions, it was necessary to amend City ordinance to conform with the State law.

There are no financial considerations.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0

## ORDINANCE

An Ordinance amending Section 5.28.010, and repealing Sections 5.28.020, 5.28.030, 5.28.040, and 5.28.050 of the Code of the City of Wichita, Kansas, pertaining to unlawful acts, inhalation of certain elements, introduced and under the rules laid over.

### **FRANCHISE EXTS. TELECOMMUNICATIONS FRANCHISE EXTENSIONS.**

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 02-1530

The City Council approved a telecommunications franchise with Southwestern Bell Telephone Company on April 16, 1996, that expires on June 30, 2002. In January, 2001, the City Council approved an ordinance setting forth guidelines for future telecommunications franchises. The Kansas Legislature adopted a moratorium on the enforcement of certain provisions of that ordinance in 2001 and amended the Franchise Act in 2002. A telecommunications franchise with Adelphia Business Solutions, Inc., was approved by the City Council January 8, 2002, and also expires on June 30, 2002. Because of the substantial changes to the Franchise law that are effective July 1, 2002, additional time is needed to review the impacts of the law and to negotiate new franchise provisions.

The proposed Extension Agreements with Southwestern Bell Telephone Company and Adelphia Business Solutions, Inc., maintain the current franchises and all of their provisions until December 31, 2002, or until new franchises are negotiated and adopted, whichever occurs first.

The franchise Extension Agreements maintain the current level of compensation to the City at \$1.81 per month for each access line in the City.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Knight moved that the Extension Agreements be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## EMSS

### CITY-COUNTY EMERGENCY MEDICAL SERVICES SYSTEM (EMSS) INTER-LOCAL AGREEMENT.

Chris Cherches City Manager introduced the Item.

Joe Cooley Fire Department Battalion Chief reviewed the Item.

Agenda Report No. 02-1531

The City of Wichita and Sedgwick County undertook a joint study of the community emergency medical services system (EMSS). The EMSS system includes all elements of emergency services from initial call, dispatch (9-1-1), fire first response, ambulance response, transport, and medical oversight.

The joint study is extensive and includes wide ranging recommendations and options on all aspects of the EMSS. The single most far-reaching recommendation in the report is to implement Advance Life Support (ALS) in the City and County Fire first responder service. A preliminary step in implementation of changes in the EMSS system is notice by the City to the County not to renew the current emergency medical services inter-local agreement in anticipation of renegotiation of a new inter-local agreement (in 2001, a similar action was taken by the County in connection with the transition of the City-County Health Department).

One element of a renegotiated inter-local agreement would be the disposition of service fees and taxes derived from a dedicated mill levy.

The Law Department will review and approve any new inter-local agreement as to legal form. Additionally, inter-local agreements are also subject to approval as to legal form by the Kansas Attorney General.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Council Member Martz Council Member Martz said service to citizens is the primary concern. Citizens need to be given all services possible in cases of emergency.

Council Member Pisciotte Council Member Pisciotte stated that the City would be working very closely with the County on this issue.

Motion -- Martz moved that the City Manager be authorized to notify Sedgwick County of the City's intent not to renew the current Emergency Medical Services Inter-Local agreement as a preliminary step to renegotiate and implement a new Inter-Local Agreement for 2003. Motion carried 7 to 0.  
-- carried

## OLD TOWN PARKING OLD TOWN PARKING RATES. (District VI)

Motion -- Knight moved that this Item be deferred until such time as Staff has met with the Merchants of Old Town Association. Motion carried 7 to 0.  
-- carried

## LIQUOR

### ADMINISTRATION OF THE SPECIAL LIQUOR TAX PROGRAM.

Debra Donaldson Sedgwick County Division of Human Services reviewed the Item.

Agenda Report No. 02-1533

On December, 1999, the City Council approved privatization for the administration of the Special Liquor Tax dollars. A Request for Proposal (RFP) for program administration services was initiated

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and COMCARE was approved as the program administrator in March, 2000 and the option to extend their contract has been exercised. COMCARE is responsible for the following activities:

1. Monitor and refine the outcome-based measurements developed by the providers
2. Provide financial management by reviewing/approving invoices for service
3. Develop and staff a coalition to provide recommendations addressing both programmatic and funding priorities
4. Provide oversight of pilot programs (new and innovative programs)
4. Prepare a report to the City Council on the activities of the program administrator including the effectiveness of outcome-based measurements, funding commendations, and the work of the coalition

Over the past year, COMCARE, as program administrator of the Special Liquor Tax funds, monitors seventeen Special Liquor Tax contracts for twelve different providers for substance abuse and prevention and treatment services for the City of Wichita. The providers are required by contract to demonstrate the effectiveness of their program by establishing and reporting performance based outcomes. COMCARE's responsibility is to review each provider's outcome-based measurement reports on a quarterly basis to determine if the provider is successful in making a meaningful and measurable difference in the lives of alcohol and substance abusers. COMCARE provides technical assistance to providers to improve processes, measurements and written reports. Reports are provided to the City of Wichita, members of the Special Liquor Tax Coalition and to the provider.

In August 2001, the City of Wichita, with the assistance of COMCARE, solicited Request for Proposals for prevention and treatment programs to address alcohol and substance abuse. As a result of this process the City initiated another Request for Proposal for detoxification services. In March 2002, two more Request for Proposals were written, one for case management services and one for innovative pilot projects. The Special Liquor Tax Coalition assisted in reviewing and rating all proposals and making recommendations to the City Council.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

#### **BOARD APPOINTMENTS.**

There were no appointments made.

## CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum No. 26a, except Items 16g, 19, and 24 be approved as consensus Items. Motion carried 7 to 0.

### **BOARD OF BIDS**

#### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 24, 2002.**

Bids were opened June 22, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

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Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## **PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.**

There were no Subdivision Plans and Specifications submitted.

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a) 66 inch raw water supply line from 21st Street North and Hoover to 17th and Sheridan - south of 21st Street, east of Ridge Road. (448-89439/633720/750807) Traffic to be maintained during construction using flagpersons and barricades. (District V, VI) - \$9,599,838.80
- b) 2002 street rehabilitation; North Arkansas from 38th Street to 45th Street - north of 35th Street North, east of Seneca. (472-83495/706836/202302) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$300,000.00
- c) Pawnee from Rock Road to Webb Road - Phase 2 - Landscaping - Pawnee from Rock Road to Webb Road. (472-83087/706782/200239) Does not affect existing traffic. (District II) - \$55,270.00
- d) Webb Road from Pawnee to Harry - Phase 2 - Landscaping - Webb Road from Pawnee to Harry. (472-83093/706783/200240) Does not affect existing traffic. (District II) - \$64,150.00
- e) Museum District Boulevard, Landscaping - Phase 2 to serve WAM Addition; Unplatted City Property (west of Seneca, north of Central) (472-83228/706795/200248) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$402,000.00
- f) Custer Avenue from the north line of Pawnee Avenue, north to and including the cul-de-sac at the south line of vacated Orient Boulevard to serve Southwest Industrial Addition - north of Pawnee, west of Meridian. (472-83389/765686/490797) Does not affect existing traffic. (District IV) - \$490,000.00
- g) Intersection Improvements at George Washington Boulevard and Mt. Vernon - east of Hillside, south of Harry. (87N 0212-01 472-83168/706792/200246) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$474,612.50
- h) Southeast Water Transmission Main - along K-15 from 63rd Street South to Kansas Turnpike. (448-89688/633740/751884) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$5,700,000.00
- i) Sandplum Circle from the south line of 34th Street North, south and east to and including the cul-de-sac; and on Sandplum Court from the east line of Sandplum Circle east to and including the cul-de-sac to serve Ridge Port North Third Addition - south of 37th Street North, east of Ridge. (472-83410/765734 /490845) Does not affect existing traffic. (District V) - \$180,038.00
- j) Water Distribution System to serve Ridge Port North Third Addition - south of 37th Street North, east of Ridge. (448-89505/735062/470732) Does not affect existing traffic. (District V) - \$47,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.



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## **DEEDS/EASEMENTS: DEEDS AND EASEMENTS:**

- a) Grant of Right of Way to Kansas Gas and Electric Company for an electric line easement located in the Section 19, Township 27 South, Range 1 East and Section 18, Township 27 South, Range 1 East all of the 6th P.M., Sedgwick County, Kansas (Cowtown electric easement). No cost to City.
- b) Drainage Agreement with MAA, L.C. for Lot 1, Block 1, Aikman Addition, an addition to Wichita, Sedgwick County, Kansas (COW Fire Stations and Library, OCA #792372). No cost to City.
- c) Drainage Easement dated April 24, 2002 from Wichita East, L.L.C., a Missouri Limited Liability Company for a tract of land in Lot 12, Block A, One Kellogg Place 2nd Addition, Wichita, Sedgwick County, Kansas.
- d) Dedication dated May 16, 2002 from Charles P. Neil for a tract of land in Lot 25, McLean Place Addition, an addition to Wichita, Sedgwick County, Kansas (Seneca, Maple to McLean, OCA #746707). No cost to City.
- e) Waterline Easement dated May 20, 2002 from Marion Q. Newell, President of Newell Investment, Inc. for a tract of land in the Northwest Quarter of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (127th, OCA#735036). No cost to City.
- f) Waterline Easement dated May 20, 2002 from John D. Greenstreet, President of Triple Crown, Inc. for a tract of land in the Northwest Quarter of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (127th, OCA#735036). No cost to City.

Motion – carried Knight moved that the Dedications be accepted. Motion carried 7 to 0.

## **COST STATEMENT STATEMENTS OF COST:**

There were no Statements of Costs submitted.

## **BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Airport Advisory Board – May 6, 2002  
Park Board – May 13, 2002  
Design Council City Arts – May 16, 2002

Motion – carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## **STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

## **CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED – MAY, 2002:**

<u>Name of Claimant</u>	<u>Amount</u>
Bomhoff, Teresa	\$1,083.99
Messenger, Robert R.	\$ 369.80**
Peoples Natural Gas	\$1,339.59
Peoples Natural Gas	\$ 405.05
Peoples Natural Gas	\$ 206.89

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Shackelford, Noah G	\$ 275.00
SW Bell	\$ 527.56**
Williams, Jackie	\$ 55.00
Total	\$4,262.88

\*\* Settled for lesser amount than claimed.

Motion – carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

## DATA SERVICE

### WESTLAW CONTRACTS – LEGAL RESEARCH DATA SERVICE.

Agenda Report No. 02-1534

In 2001, the Law Department migrated from the West CD research system to flat-rate online Westlaw research packages, to resolve logistical problems with adjusting for the growing number of CDs, and to obtain more up to date information. The change was also needed to save money, as the CD service was projected by West to become increasingly expensive.

The two online packages are designed to provide broad legal research access for one group of attorneys, with a narrower, more Kansas-focused package for the other group of attorneys. They cover a twelve-month subscription period, and will replace existing the Westlaw access arrangements, which had to be terminated to avoid a 6% rate increase.

Funds for the online packages are budgeted in the Law Department General Fund operating budget. At the end of the subscription period, Law Department will again attempt to renegotiate rates and coverage within the then-available budget.

The online arrangements will provide current information on legal developments.

Motion --

Knight moved that the West Group Order and documents necessary to implement the change in computer research accesses be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## PROJECT ACCESS

### PROJECT ACCESS AMENDMENT/RENEWAL.

Agenda Report No. 02-1535

In 1999, the City in partnership with the Sedgwick County Medical Society, United Way, and the County, agreed to participate in a program (Project Access) providing medical services for the uninsured. This exciting program involves a community partnership that links physicians, social service agencies, hospitals, clinics, and area pharmacies to address the needs of uninsured low-income residents. A contract exists between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) to provide funds for prescription services. The contract is due to expire on August 31, 2002, but the \$250,000 level of funding originally allocated for this contract is totally expended. A proposed amendment increasing the funding allocation of the existing contract by \$50,000 to a total of \$300,000, and a proposed contract renewal at the \$300,000 level for an additional one-year period, are being brought before the City Council for approval.

The City and Sedgwick County have supported Project Access from the beginning and have participated in the program since it became operative. Currently, Project Access is part of a network that serves an uninsured base of 55,000 persons, representing about 13 percent of the area population. Increasing demand for the program's services, attributable in part to the current economic conditions, fully exhausted the program's current allocation of \$250,000 by March 15, 2002. The additional \$50,000 requested for the current contract will allow the program to operate close to full capacity through the August 31, 2002 termination date.

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This program has been a model of public and private sector collaboration. The City and County program contributions, which provide for prescription services, are matched by participation of the local medical community. A majority of the area physicians and medical facilities are participants in the program. The cumulative value of their contributed care is \$16 million (hospitals \$11 million and physicians \$5 million) not including additional labs, ambulatory surgery centers, and other ancillary services. Measures of the program's success include high ratings on patient satisfaction, the development of collaborative partnerships, successful replication of the program in other locales, and the number of persons receiving needed medical services.

The proposed contract amendment will increase the 2001-02 year budget to a total of \$300,000. The total budget for the proposed 2002-03 contract year renewal is \$300,000. The City will use federal Community Services Block Grant (CSBG) funds it receives for services to low-income persons to pay contract amendment and renewal costs. The contract amendment and renewal will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to execution of the contract amendment and the contract renewal.

Motion --  
-- carried

Knight moved that the amendment for existing Contract and issuance of a Contract renewal be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **KANSAS FOODBANK CDBG - KANSAS FOODBANK WAREHOUSE, INC.**

Agenda Report No. 02-1536

On May 14, 2002 the City Council approved funding to assist Kansas Foodbank Warehouse in the demolition and clearance phase of the new warehouse project. The Kansas Foodbank warehouse will be used as a distribution center to issue food to over 400 agencies statewide and 216 agencies in Sedgwick County who in turn provide food to the ill, needy and infants.

The Kansas Foodbank Warehouse, Inc. is a non-profit organization. The construction of the new warehouse and distribution center will enhance response time and cost effectiveness by adding much needed storage space and consolidating all functions in one location. Funds from the City's Community Development Block Grant (CDBG) program will be used for the demolition and clearance of buildings and structures located at 1925 E. Douglas.

A contract has been negotiated with Kansas Foodbank Warehouse, Inc. which establishes performance measures and funding. The contract term is July 1, 2002 to June 30, 2003.

Funding in the amount of \$250,000 for this project will be provided through the 2002/2003 CDBG allocation from HUD.

The Law Department has reviewed and approved the Covenants and Restrictions on Sale of Real Property, Mortgage and Promissory Note to be filed and recorded in the Register of Deeds Office.

Motion --  
-- carried

Knight moved that the Contract and documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **ENCROACHMENT EASEMENT ENCROACHMENT – 8847 WEST MONROE COURT. (District V)**

Agenda Report No. 02-1537

The Agreement allows Vision Management, Everett Long, Manager, to occupy and construct for 8847 W. Monroe Court, improvements on, over, and across the aforesaid public easement described as a 10 ft. easement along the south lot line of Lot 8, JW Russell 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The

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improvement is an encroachment of 2 feet into the easement for the purpose of placing condensing units within the easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## ENCROACHMENT

### EASEMENT ENCROACHMENT – 11316 WESTPORT. (District V)

Agenda Report No. 02-1538

The Agreement allows Mark A. Stuhlsatz and Erin E. Boyle, to occupy and construct for 11316 Westport, improvements on, over, and across the aforesaid public easement described as a 20 ft. easement centered along the northerly lot line of Lot 14, Block J, Sunridge Second Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is an encroachment of 6 feet into the easement for the purpose of constructing an above ground pool.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## ENCROACHMENT

### EASEMENT ENCROACHMENT – 3743 SOUTH BRUMMETT. (District V)

Agenda Report No. 02-1539

The Agreement allows John T. and Tanya J. Czarniecki to occupy and construct for 3743 S. Brummett, improvements on, over, and across the aforesaid public easement described as a 15 ft. easement along the south lot line of Lot 39, Block E, Gray's 4th Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be an adobe wall/fence, constructed along the west and south property lines of said Lot 39, Block E, Gray's 4th Addition.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

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(Item 16g)

## **COMMUN./SCHOOLS    CDBG – COMMUNITIES IN SCHOOLS.**

Council Member Pisciotte Council Member Pisciotte declared a conflict of interest and abstained from participation.

Agenda Report No. 02-1540

On March 5, 2002, the City Council allocated Community Development Block Grant (CDBG) funds for the 2002/2003 program year. Included in the 2002/2003 CDBG allocations were funds for Communities in Schools to provide and coordinate youth and adult services at the Stanley Elementary School.

Services to be provided include family literacy and parenting classes as well as tutoring, mentoring and counseling to approximately 50 students and their parents during the contract period of July 1, 2002 through June 30, 2003.

The contract amount is \$25,000 and is funded in the approved 2002/2003 CDBG budget.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte abstained)

## **FOOD SERVICE**

### **WHOLEGOODS AND FOOD SERVICE AND DELIVERY.**

Agenda Report No. 02-1541

The City purchases fresh and frozen food and kitchen supplies to stock the food and beverage service at Auburn Hills clubhouse. These products are used to prepare the menu for resale to patrons of the golf course and for banquet attendees.

A Request for Proposal was sent to four service providers and three vendors responded. A selection committee reviewed the responses and determined that F&E, Sipco, and US Foods provide products and pricing that would be best for the City. Use of all three vendors will allow the City to shop for the lowest cost on all items at the time of purchase.

The 2002 Adopted budget includes not-to-exceed \$175,000 for purchase of food service commodities. Although requirements may vary with number of rounds played and events scheduled, it is anticipated that food costs, including those incurred under the terms of this contract, will be within the budgeted amount. Expenditures in this area are also more than offset by revenue.

The Law Department will review and approve the contracts as to form.

Motion --  
-- carried

Knight moved that the Agreements/Contracts with F&E, Sysco, and US Foods be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **WATER STUDY**

### **WATER USE STUDY.**

Agenda Report No. 02-1560

As the conservation of water becomes more critical, the need to examine the feasibility of recycling and reuse of water resources has become necessary and timely. Millions of gallons of usable water are discharged daily from public and private groundwater clean-up projects, municipal wastewater treatment plants, and various commercial and industrial activities. The City of Wichita is interested in defining the current and future quantity and quality of these water resources within our community to determine the feasibility for re-use and recycling of this water. On January 15, 2002, City Council authorized staff to formally request proposals from professional companies for the purpose to study this

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matter. The Staff Screening and Selection Committee has reviewed all the proposals submitted to the City and has recommended that a contract be negotiated with Camp Dresser & McKee (CDM).

A contract has been scoped for the purpose of conducting a "Feasibility Study on Beneficial Re-Uses of Water" including golf course irrigation. The contract will provide the following services:

- Literature Review
- Evaluate EPA and KDHE requirements
- Inventory of Potential Reusable Water Sources
- Quantify Available Water Sources
- Identify Potential Water Users and Coordinate Meetings Between the City and Potential Users
- Storage Facility and Satellite Treatment Feasibility
- Market Analysis
- Develop golf course irrigation proposals using side streaming techniques from wastewater
- Provide a written Feasibility Study Report and attend public meetings as needed

The cost of the contract is approximately \$101,000 (\$66,000 for City wide study and \$35,000 for golf course irrigation using waste water) and will be funded by the Water Utility.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## FOOD INSPECTION

### RENEWAL OF FOOD SERVICE ESTABLISHMENT INSPECTION CONTRACT.

Agenda Report No. 02-1542

The Environmental Health Department has conducted inspections of restaurants and other food service establishments within Sedgwick County on behalf of the Kansas Department of Health and Environment for over twenty years. KDHE returns eighty percent of license revenue (the amount established by Kansas statute) generated within Sedgwick County to the City in return for inspection services and educational programs. KDHE has proposed renewal of this contract for state fiscal year 2003, and Environmental Health is requesting Council approval to continue this cooperative effort.

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for the regulated businesses, and contribute substantially to local food protection budgets. Local staff enforces state regulations and utilizes state enforcement mechanisms as appropriate. In addition to financial support, KDHE provides enforcement assistance and training for local staff.

Staff estimates the value of the contract to be \$225,000 annually, representing the major funding source for local food protection activities. (Additional revenue is generated via City grocery and food processor licenses.) This revenue has been incorporated into the City's 2002 and 2003 budgets.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## BUILDING BRIDGES

### BUILDING BRIDGES INITIATIVE.

Agenda Report No. 02-1543

In 2000, the Mayor began an initiative to eliminate racism entitled 'Building Bridges: A Community Process to Heal Racism'. A small group of committed people opened their hearts and minds to create a process to heal racism in our community. The National Conference for Community and Justice (NCCJ) has coordinated the three-year community initiative.

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The City of Wichita has encouraged local businesses, organizations and citizens across our city to unite in the program. The City of Wichita has contributed \$10,000 to the program for the year 2000 and 2001. The year 2002 marks the end of a three-year community initiative.

Funds are budgeted within the General Fund.

Payments \$10,000 and greater require City Council approval.

Motion --  
-- carried

Knight moved that the final payment of a three-year commitment to NCCJ in the amount of \$10,000 be approved. Motion carried 7 to 0.

(Item 19)

## **CHILD ID PROGRAM CHILD IDENTIFICATION PROGRAM.**

Agenda Report 02-1544

In 1999, Officer Sandy Mackey received private funding to purchase a child identification program called Compu-kid. This program made it possible for officers of the Wichita Police Department to place personal information, photographs and fingerprints of children in our community onto a computer disk for parents. Since this program has been in effect, the Wichita Police Department has participated in over 150 events, placing identification information of over 1,200 children on computer disks for parents.

The current child identification program and equipment are obsolete and because there is only one unit, the number of events participated in and the number of children processed is severely limited. Officer Kelly Mar has worked together with a local software company, Mainstream Technology Group LLC, to develop new, improved software and equipment designed specifically for the Wichita Police Department. The software was developed at no charge. The cost of the equipment, one child identification unit in each of the four Police substations, is being funded through private donations. The units will include a laptop computer, biometric fingerprint scanner, digital camera, tripod stand and printer, all contained in a waterproof briefcase. The units can be used individually at community events and brought together to be used at larger community events.

The purchase of four (4) new child identification units will cost \$5,000 each, for a total of \$20,000. The Police Department has received private donations from the Forrest C. Lattner Foundation (\$10,000), the Davis-Moore Group (\$5,000), and the Wichita Community Foundation-Community Police Neighborhood Fund (\$5,000) to purchase this equipment. The Southeast Wichita Business Association has also donated \$1,500 to cover the cost of ink cartridges, paper and printing for one year. FastSigns has agreed to develop and donate four 3 1/2 x 8 ft. banners, valued at \$1,200, that will list the name of the new program and all of the businesses who donated to make the program possible.

The Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Council Member Gale

Council Member Gale brought attention to the Item.

Motion --  
-- carried

Gale moved that the purchase of the new Child Identification program and equipment under the provisions of the Purchasing Ordinance No. 35-856 for sole source of supply be approved. Motion carried 7 to 0.

## **HISTORIC LOAN**

### **HISTORIC REVOLVING LOAN PROGRAM.**

Agenda Report No. 02-1545

The Historic Revolving Loan program has been funded with Community Development Block Grant (CDBG) funds since 1976. The purpose of the program is to provide low interest loans for the preservation, restoration and rehabilitation of historically and architecturally significant structures in Wichita.

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Since 1976 the City has enacted a code that provides a remedy for historic properties that are being demolished by neglect. Section 2.12.1024.2 Historic landmark – Demolition by neglect, provides that if the Historic Preservation Board determines that a designated historic landmark or a contributing historic resource that is subject to demolition by neglect, the Superintendent of Central Inspection will take action to notify the property owner specifying the conditions of deterioration and the minimum items of repair or maintenance necessary to correct or prevent further deterioration. Section 20.04.180 provides that such costs of repairs or maintenance shall be imposed on the property by a lien, if the property owner does not take action to remedy the violations.

The Planning Department will expand the Historic Revolving Loan Program for residential properties to use CDBG funds to protect structures listed on a national, state, or local historic register that are being demolished by neglect. A lien will be imposed on the property to ensure the return of CDBG funds to the CDBG program.

Residential properties receiving CDBG funds for improvements under “demolition by neglect” will be limited to \$25,000 and a lien will be imposed against the property to ensure the return of the funding. Loans are made for residential properties only if there is money available in the Historic Revolving Loan Program and Deferred Historic Loan Program accounts.

Law has reviewed the proposed “demolition by neglect” funding and finds that it meets all legal requirements of the City.

Motion --  
-- carried

Knight moved that the program change for the Historic Revolving Loan program be approved. Motion carried 7 to 0.

## CHILD CARE

### RENEWAL OF CHILD CARE LICENSING GRANT.

Agenda Report No. 02-1546

The Environmental Health Department conducts inspections of child care facilities and provides education for child care providers within Sedgwick County on behalf of the Kansas Department of Health and Environment. KDHE provides an annual grant to fund these activities, and has approved renewal of the grant for state fiscal year 2003.

City staff have provided child care licensing and education services for in excess of thirty years, providing a local point of contact for citizens and providers. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Health staff enforce state regulations and utilize state enforcement mechanisms as appropriate.

The grant amount for state fiscal year 2003 totals \$271,000. The program is also supported by local inspection fees, which are estimated at \$115,000 for calendar year 2003.

The grant agreement will be submitted to the Department of Law upon receipt, for approval as to form.

Motion --  
-- carried

Knight moved that acceptance of the grant be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## LABOR MGMT.

### LABOR-MANAGEMENT COOPERATION PROGRAM GRANT APPLICATION.

Agenda Report No. 02-1547

The Federal Mediation and Conciliation Services issued a national request for competitive applications for a Labor-Management Cooperation Program pursuant to the Federal Labor-Management Cooperation Act of 1978. The FY 2002 application process is open to states and local units of government. Grant assistance can be used to improve labor-management relationships, job security,



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organizational effectiveness and improve communication with employees on subjects of mutual interest and concern.

The City has prepared a grant application for these funds for submission to the Federal Mediation and Conciliation Service. The City's Personnel Department has agreed to serve as the lead agency for administration of the grant funds if the grant is approved.

The City's grant application consists of funding for one-time purchases which include: training for the Labor/Management Committee (\$30,000); Labor/Management Committee attendance at required conferences with labor-management experts (\$11,750); a message generator and television sets to provide real-time messages to employees concerning training opportunities, employee benefits and announcements (City Vision)(\$56,490); and, computer programming for internal departmental training and external training via City departmental Mini-Web sites (\$11,760).

The City's grant application totals \$110,000. If approved, a total of \$100,000 would be provided by the federal grant. The City's 10% required matching share (\$10,000) would be provided from salary savings in the general fund.

Motion --  
-- carried

Knight moved that the grant application be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## REVERSE OSMOSIS

### REVERSE OSMOSIS WATER FEASIBILITY STUDY – PHASE I.

Agenda Report No. 02-1548

On October 3, 2000, the City Council authorized projects for the development of new water supplies for the City of Wichita. The projects will help to develop water supplies required to meet City water needs through the year 2050.

The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. One potential supply, the Arkansas River, was not included in the Water Supply Plan because of high salt content in the river. Recent advances in the technology (Reverse Osmosis - RO) may have lowered the potential cost for treatment, making it feasible to consider using the river as a source for one of the water supply alternatives. The project is a feasibility study for using RO technology and will provide information to determine whether wells in the river alluvium can be used as part of the City's water supply plan. Phase I will include capturing water samples from wells located at four sites along the river that would be potential locations for an RO water treatment plant and predicting the cost of using the Arkansas River as a water source. The information will then be used to see if the option is a cost-effective alternative in the City's Water Supply Plan.

Request for Proposals (RFP) for a Phase I were sent to engineering firms with five firms responding. The Staff Screening and Selection Committee heard presentations on March 11, 2002, and unanimously selected Carollo Engineers to provide the engineering services.

Engineering services will not exceed \$80,000. Funding is available in Water Supply Plan Phase III (CIP W-549) that has a budget of \$8,870,000 in 2002.

Motion --  
-- carried

Knight moved that the project and Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

(Item #24)

## PUMP STATION

### WEBB ROAD PUMP STATION EXTERIOR RENOVATION. District II)

Motion --  
-- carried

Fearey moved that this Item be deferred until Staff can review and return with reduced costs. Motion carried 7 to 0.

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**SANITARY SEWER      PUBLIC EXIGENCY – SANITARY SEWER REPAIRS – 201 SOUTH DELLROSE. (District II)**

Agenda Report 02-1550

A service connection at 201 South Dellrose has fallen into the sanitary sewer main causing a partial blockage of the main and loss of service to the owner of the property. An emergency repair is necessary to prevent backups in the area and to restore service to the customer. Due to the depth of the sewer main and the equipment required to make the point repair, Staff recommended hiring a contractor to perform the work.

Staff met on site with three local contractors and reviewed the project. W.B.Carter was the low bidder at \$8,700. The City Manager approved proceeding with the project on May 24, 2002.

The Utility Operating Budget has adequate funding for the project.

City Ordinance 2.64.020, "Public Exigency," allows the City Manager to authorize work to be performed by a contractor without formal bidding.

Motion --  
-- carried

Knight moved that the City Manager's approval of the Public Exigency project be affirmed. Motion carried 7 to 0.

**SANITARY SEWER      PUBLIC EXIGENCY – SANITARY SEWER REPAIRS - GILBERT STREET AT MOSLEY. (District I)**

Agenda Report No. 02-1551

Sewer Maintenance crews have discovered a partially collapsed sanitary sewer main in Gilbert Street at Mosley. An emergency repair is necessary to prevent backups in the area and to ensure the structural integrity of the railroad tracks crossing Gilbert. To prevent disruption to the railroad service, Staff recommends utilizing trenchless pipe replacement. Open cut method would also be more costly, due to the brick street and the costs involved with railroad removal and replacement.

Staff met on site with Nowak Construction, the only local contractor with pipe reaming capabilities. Nowak Construction proposed a price of \$35,000 for trenchless repair. The City Manager approved proceeding with the project on May 24, 2002.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,500,000 for 2002. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," allows the City Manager to authorize work to be performed by a contractor without formal bidding.

Motion --  
-- carried

Knight moved that the City Manager's approval of the Public Exigency project be affirmed. Motion carried 7 to 0.

**PROPERTY ACQ.      PROPERTY ACQUISITION - DRAINAGE EASEMENT AND HIGHWAY RIGHT-OF-WAY AT I-235 AND NORTH BROADWAY. (District VI)**

Agenda Report No. 02-1552.

Larry's Trailer Sales & Services operates a business at 4153 N. Broadway. At the northwest corner of N. Broadway and I-235 there is an area of excess highway right-of-way that was acquired by the Kansas Department of Transportation at the time the interchange at Broadway and I-235 was constructed. Larry's Trailer Sales & Services has utilized this area for storage with the consent of KDOT for a number of years. Recently, KDOT conveyed this area to Sedgwick County as excess

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property. Between this property and Larry's Trailer Sales & Services ownership, there is a drainage easement that runs generally east to west from Broadway to the floodway. Larry's Trailer Sales & Services has proposed to the City and County that it is willing to pay the costs of improving the drainage easement from Broadway west to the floodway, including constructing drainage pipe sufficient to accommodate the drainage from the drainage basin which feeds this area and locating that pipe underground.

In return for the improvements that Larry's Trailer Sales & Service is willing to construct for the City and the County, it is requesting that the excess highway-right-way be vacated and released to them and that the existing drainage easement be reduced to reflect the improvements being made in order that they may make use of the surface and the areas that are no longer necessary because the open ditch is closed.

The cost of the improvements that will be constructed by Larry's Trailer Sales & Service is approximately \$115,000. These will be paid 100% by the property owner. The value of the land that is to be released is less than that amount. When the land is released to Larry's Trailer Sales & Service it will be placed back on the tax rolls.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Addendum No. 26a)  
**PROPERTY ACQ.**

## **ACQUISITION OF 8188 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 02-1662

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 8188 East Kellogg is one of the required tracts. The site contains approximately 55,000 square feet and is improved with a 3,636 square foot fast food restaurant. The improvements were constructed in 1972. The proposed improvements to Kellogg will encroach into the building itself.

The property was appraised at \$1,300,000 in September 2001. This included only the building and land, excluding all furniture, fixtures and equipment. The owner has agreed to sell the property for this price. An additional \$300,000 will be paid for furniture, fixtures and equipment and to settle all moving and reestablishments claims to which the owner will be entitled. The owner will sign a standard form lease and remain in occupancy, paying all expenses, until the property is needed for the Kellogg project.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$1,617,000 is requested. This includes \$1,300,000 for the facility acquisition, \$300,000 for furniture, fixtures, equipment, moving costs, costs of reestablishment and site search, \$15,000 for demolition, and \$2,000 for closing costs, surveys and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **CONDEMN. AWARD    PAYMENT OF CONDEMNATION AWARD – 506 SOUTH EDMOOR.** (District II)

Agenda Report No. 02-1553

The City has identified the need to acquire approximately 2600 square feet of additional right-of-way from property located at 506 South Edgemoor in connection with planned improvements to East Kellogg. Earlier this year the City initiated eminent domain proceedings to acquire this right-of-way. On May 29, 2002, the court appointed appraisers filed their award. They determined the compensation

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to be paid for the acquisition to be \$77,000. The court awarded the three appraisers fees in the amount of \$2,500 each. Court costs are \$106.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before June 28, 2002.

The cost of this acquisition will be paid from the East Kellogg construction project.

The City has until June 28, 2002, to decide whether or not to acquire the right-of-way. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion --  
-- carried

Knight moved that the payment to the Clerk of the District Court in the amount of \$84,606.00 be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **PROPERTY EXCHANGE – 1237 SOUTH BROADWAY FOR 1601 NORTH TOPEKA.** (District IV)

Agenda Report No. 02-1554.

The City acquired a vacant tract at 1237 South Broadway as part of the Bayley Street project in 1999. Part of the site was deeded to the adjacent owner on the south to mitigate damages arising from the Bayley Street project. The remaining tract has 14,350 square feet and is zoned general commercial. It was declared surplus in 1999 and has been offered for sale since that time. Francisco Banuelos owns a vacant 14,000 square foot tract at the northwest corner of Topeka and 15th Street North. These lots are zoned commercial although located in a largely residential area. The owner has intended to develop the site with an auto repair facility. Mr. Banuelos has offered to trade his tract on Topeka for the tract on Broadway. He intends to build a grocery store or other retail facility on the site.

The proposed use for the South Broadway tract is one that would benefit the area. Also, there has been very limited interest in this site since acquisition. The use of the Topeka site for automotive repair is not compatible with the overall plan for the area. The trade will eliminate this possible use. Also, it is felt that the Topeka tracts will be more readily marketable, with the likely reuse being residential infill.

The Broadway tract will return to the tax rolls and will no longer need to be maintained by the City. The Topeka tract will be marketed for resale.

Motion --  
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **SALE OF SURPLUS PROPERTY LOCATED AT SOUTHEAST CORNER OF HILLSIDE AND ORME.** (District II)

Agenda Report No. 02-1555

An offer of \$27,500 has been received for the City-owned tract of vacant land located at the southeast corner of Hillside and Orme, one block south of Kellogg. The tract was acquired from several owners in 1975 in conjunction with the Kellogg/Hillside Interchange project. At acquisition, the parcel consisted of 24 lots and was developed with residential properties which were removed and access control to Hillside was placed on the tract. The property contains 14 lots with 38,500 square feet and 350 feet of Hillside frontage. It is zoned residential. Hillside has a non-mountable median preventing left turns at the parcel. The City Council approved the tract as surplus on November 7, 1995. The City's ownership interest is actually a permanent easement for highway use. The purchaser has obtained the underlying reversionary interests from the prior owner. The purchaser acquired the south 10 lots of the tract from the City in 1999.

The offer of \$27,500 equates to \$.71 per square foot. The prior purchase was at \$1.02 per square foot. The difference in price is due to the southern portion's superior access as there is no median limiting

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property access as there is with the north parcel. The buyer intends to redevelop the tract with a medical office building. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls.

Motion --  
-- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **SALARY/POSITION      AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCE.**

Agenda Report No. 02-1556

Throughout the year Personnel is requested to review various classifications to determine if they are meeting the growing needs of the City and departmental organizations, and are appropriately classified to attract individuals to carry out the City's mission and departmental responsibilities. Some of the positions included in the proposed amendments were discussed and considered in the adopted 2002-2003 budget. Listed are positions recommended to be included, changed or deleted from the 2002 ordinance.

### Job Titles to be Deleted:

Director of Community Health	002
Environmental Health Services Director	007
Personal Health Services Director	007
Clinic Services Supervisor	112
Epidemiologist II	113
Health Education Supervisor	113
Alcoholism Program Director	115
Nutritionist II	116
Dental Health Education Supervisor	117
Epidemiologist I	117
Nutritionist I	119
Dental Assistant	620

### Job Titles to be Added:

Director of Environmental Health	005
Building Services Director	007
Maintenance Supervisor	116
Airport Security Officer	621

### Job Titles to be Changed:

<u>From</u>	<u>To</u>
Environmental Management Officer	Environmental Compliance Manager
Golf Course Maintenance Supervisor	Turf Management Specialist
Chief Curator	Curator

### Job Title to be Changed plus Range Changes:

<u>From</u>	<u>To</u>
Public Information Officer	113 Public Information Coordinator 116

### Range Upgrades

<u>Job Classification</u>	<u>Department</u>	<u>From Range</u>	<u>To Range</u>
Street Maintenance Supervisor	Public Works	116	115

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<u>Range Downgrades</u>			
<u>Job Classification</u>	<u>Department</u>	<u>From Range</u>	<u>To Range</u>
Superintendent of Transportation	Wichita Transit	114	115

Position changes will be financed out departmental existing budgets.

Motion --  
-- carried

Knight moved that the amendments to the Salary and Position Classification ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance establishing position classification for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-183, introduced and under the rules laid over.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JUNE 18, 2002)

- a) Reduction of East Bank Redevelopment District Boundaries.

#### ORDINANCE NO. 45-339

An Ordinance of the City of Wichita removing property from the East Bank Redevelopment District, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Consideration of Wichita Tree Trimming Ordinance.

#### ORDINANCE NO. 45-340

An Ordinance repealing Section 9.08.025 of the City Code pertaining to tree trimming, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) 2002 Arterial Design Program: Rock Road (21st to 29th Streets), and Pawnee (Washington to Hydraulic) (Districts II and III)

#### ORDINANCE NO. 45-341

1. An Ordinance declaring Rock, from 21st Street North to 29th Street North (472-83539) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

#### ORDINANCE NO. 45-342

2. An Ordinance declaring Pawnee, from Washington to Hydraulic (472-83540) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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- d) PUD2001-02 - southeast corner of Central and Hillside. (District II)

## ORDINANCE NO. 45-343

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, introduced and under the rules laid over. PUD2001-02

- e) ZON2002-00014 – northeast of the South Seneca/West Harry Intersection. (District IV)

## ORDINANCE NO. 45-344

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00014

- f) A02-11 - portion of 21st Street North and a portion of Hoover Road.

## ORDINANCE NO. 45-345

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-11

## PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

**ZON2002-20**

**ZON2002-20 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL – NORTHWEST OF THE WEST CENTRAL/WEST STREET INTERSECTION.** (District VI)

Agenda Report No. 02-1557

MAPC Recommendation: Approve, subject to staff recommendations. (14-0)

Staff Recommendation: Approve, with a “no protest” agreement.

D.A.B Recommendation: Approve (7-0).

The applicant is requesting “MF-18” Multi-Family Residential zoning on Lot 3, Gresham Addition, 713 Colorado Court. There is currently a duplex on the site. The applicant proposes to build another duplex on the site and resolve the status of the current duplex. The current zoning is “SF-5” Single-Family Residential, which does not allow a duplex. This makes the duplex either an illegal or a nonconforming use. Enlargement and expansion of a nonconforming use is restricted by the code.

The current site (Lot 3) is approximately 10,500-square feet in size. “MF-18” zoning requires 2,500 square-feet per dwelling unit for multi-family uses. The site’s size will permit a total of 4 dwelling units; the current two units (the duplex) and an additional 2 units. The construction of another two units on the site will trigger parking requirements as well as location of the proposed additional building outside of any setbacks and easements. The proposed two units should match the building materials of the existing duplex; the outer walls are brick.

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The area around the subject property is primarily zoned "LC". There is a restaurant – tavern abutting the site on the south and retail southeast of the site on the corner of Colorado Court and Central. There are some undeveloped "LC" properties east of the site, across Colorado Court, which was rezoned, Z-0476, from "B" Multi-family to "LC" in 1963. There is also undeveloped "LC" zoned property abutting the site on the west. There is a 4-plex with "MF-29" zoning abutting the site on the north. This abutting property was zoned "RB" 4-family residential in 1974 to allow a 4-plex to be moved onto it. BZA 18-74 allowed a variance to reduce the front setback of "RB" zoning from 30-feet to 20-ft for off street parking on this abutting property. The "RB" zoning district was changed to "MF-29" in 1996. North of the "MF-29" is a lot zoned "SF-5".

DAB VI considered the rezoning request at their May 15th meeting and recommended (7-0) approval of the rezoning request with Staff's recommendation, which included a street "no protest" agreement. The DAB also requested the applicant to pave the driveway, provide cross lot abutment agreement and submit a site plan be for approval. The applicant verbally agreed to the DAB's request. There were no speakers in opposition to the request at the hearing. At the May 23rd, 2002 public hearing, the MAPC voted (14-0) to recommend the rezoning with a street 'no protest' agreement. There were no speakers in opposition to the request at the hearing and there have been no written protest to the zoning change request.

Motion --  
-- carried

Knight moved that the zone change be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00020

DP-240

### **DP-240 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR FOUNTAIN SQUARE C.U.P. – NORTH OF K-96, WEST OF WEBB ROAD.** (District II)

Agenda Report No. 02-1558

Staff Recommendation: Approve one-year extension of time to complete platting.

On March 16, 1999, the City Council approved the creation of the Fountain Square Community Unit Plan (DP-240) on property generally located north of K-96 and west of Webb Road. Approval was subject to the condition of platting the property within on year. The final plat of the property was approved by the MAPC on February 25, 1999; however, the applicant indicated that market conditions beyond the control of the applicant made it impractical to complete the plat. Therefore, Staff approved an extension of time to complete platting to May 4, 2001. On September 11, 2001, the Wichita City Council approved a second extension of time to complete platting to May 4, 2002. The applicant indicates that market conditions beyond the control of the applicant still make it impractical to complete the plat; therefore, the applicant has requested an additional one-year extension of time to complete platting. MAPC Policy Statement No. 5 indicates that subsequent extensions of time to complete platting require City Council approval.

Motion --  
-- carried

Knight moved that the one-year extension of time to complete platting to May 4, 2003, be approved. Motion carried 7 to 0.



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**Z-3341 and DP-249**

**Z-3341 AND DP-249 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL AND CREATION OF THE EWALD’S SOUTH TOWN CENTER COMMERCIAL COMMUNITY UNIT PLAN – SOUTH OF 47TH STREET SOUTH, EAST OF BROADWAY. (District IV)**

Agenda Report No. 02-1559

Staff Recommendation: Approve two-year extension of time to complete platting.

On November 23, 1999, the City Council approved a zone change from “SF-5” Single Family Residential and “LC” Limited Commercial to “GC” General Commercial and the creation of the Ewald’s South Town Center Commercial Community Unit Plan (DP-249). Approval was subject to the condition of platting the property within one year. A plat of the property has not been filed. On October 16, 1999, the applicant requested a one-year extension of time to complete platting to allow for the property to be marketed and for floodplain issues to be resolved. Therefore, staff approved an extension of time to complete platting to November 23, 2001. The applicant indicates that marketing of the property and resolution of floodplain issues are still on-going; therefore, the applicant has requested an additional two-year extension of time to complete platting. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion --  
-- carried

Knight moved that the two-year extension of time to complete platting to November 23, 2003, be approved. Motion carried 7 to 0.

## **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**AIRPORT**

## **AIRPORT SERVICES PROMOTION PROGRAM.**

Agenda Report No. 02-1561

Wichita Mid-Continent Airport from time to time experiences new or expanded airline service which is best promoted locally in order for the traveling public to be aware of these services.

The Wichita Airport Authority finds it to be in the best public interest to promote new or expanded air service. The level of promotion and the nature and scope of the promotion is determined on an individual basis dependent upon the service to be promoted and the availability of funding. It is anticipated that contractors will perform this work under the direction of City staff.

It is recommended that the Airport fund support this activity up to \$250,000 in 2002-2003 and that the necessary budget adjustments be made. The funds are available.

Motion --  
-- carried

Knight moved that the program, budget adjustments and necessary signatures be authorized. Motion carried 7 to 0.

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## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal council on matters in the attorney/client relationship relating to legal advice, and preliminary discussions relating to the acquisition of real property for public purposes, and the City Council return from executive session at 10:50 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 10:21 a.m., moved to executive session at 10:30 a.m., and returned to regular session at 10:50 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 10:50 a.m.

Pat Burnett CMC  
City Clerk